

Edward Byrne Memorial Grant New Special Condition Relating to Seizure and Removal of Methamphetamine Labs

History

1. Each year Nevada receives approximately \$4 million from the Edward Byrne Formula Grant through the U.S.D.O.J. Bureau of Justice Assistance (BJA) to impact drugs and violent crime.
2. On August 30, 2001, the BJA notified the Office of Criminal Justice Assistance (OCJA) that a special condition relating to the seizure and removal of clandestine methamphetamine laboratories had been attached to this year's Byrne funds.
3. Acceptance of the clandestine methamphetamine laboratory special condition was a prerequisite to receive the Byrne grant funds.
4. The implementation of the clandestine methamphetamine laboratory special condition requires multi-agency planning and coordination at the federal, state and local level; however, there was insufficient time to accomplish this task.
5. OCJA accepted the clandestine methamphetamine laboratory special condition rather than decline the funds.
6. The special condition requires that the nine protective measures contained in the clandestine methamphetamine laboratory special condition are met.

Solution

The **Certification of Compliance**, which is attached, needs to be reviewed and signed by the person in your agency authorized to sign the OCJA Grant Award.

1. By checking the first box, your agency (Multi-jurisdictional Task Force) can decline the Byrne funds, **OR**
2. By checking the second box, your agency (MJTF) can accept the Byrne funds and agree to use them for methamphetamine investigations, but not for the **seizure or removal** of clandestine methamphetamine laboratories, **OR**
3. By checking the third box, your agency (MJTF) can accept the Byrne funds and agree to use them for methamphetamine investigation and seizure, but not for the **removal** of clandestine methamphetamine laboratories, **OR**
4. By checking the fourth box, your agency (MJTF) can accept the Byrne funds and agree to use them for methamphetamine investigation, and for the **seizure and/or removal** of clandestine methamphetamine laboratories.

**Byrne-funded Projects
Certification of Compliance
Methamphetamine Laboratory Operations**

This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratories, including the seizure and/or removal of clandestine methamphetamine laboratories (hereinafter, "meth lab operations").

The United States Environmental Protection Agency (USEPA) has determined that, "law enforcement responsibilities terminate when the law enforcement official notifies the property owner of record, the state, and the local environmental or public health agencies in writing of a possible site contamination at a clandestine lab."

Law enforcement personnel may seize as evidence and remove any bottles, cans, jugs and other containers, as well as contaminated apparatus and chemical samples from a clandestine drug site, however, law enforcement agencies are not responsible for the cleanup/restoration of any rooms, buildings or surrounding environments, including septic systems, rivers, streams or contaminated soils.

I, _____, hereby certify that:
(Print or type the name of the official authorized to sign grant award)

GRANTEE: _____

IMPLEMENTING AGENCY: _____

PROJECT TITLE: _____

(Check one of the following four certifications)

9 Will **not** accept the Byrne funds for the period of July 1, 2004 to June 30, 2005.

OR

9 Will accept the Byrne funds for the period of July 1, 2004 to June 30, 2005, but will not use them in the **seizure or removal** of clandestine methamphetamine laboratories.

OR

- 9 Will accept the Byrne funds for the period of July 1, 2004 to June 30, 2005, and comply with federal, state, and local environmental, health and safety laws and regulations applicable to the **seizure** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:
1. Grantee will provide medical screening of personnel assigned or to be assigned by the grantee to the seizure of clandestine methamphetamine laboratories.
 2. Grantee will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure of clandestine methamphetamine laboratories.
 3. Grantee will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment.
 4. Grantee will notify the State Environmental Protection Agency and the applicable County Health Department, and send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized; and
 5. Grantee will enter into a written agreement with the local Child Protective or Social Services Department to notify them whenever a minor is found at a clandestine methamphetamine laboratory site, and if determined to be necessary, require that qualified personnel be dispatched to the site, and if determined to be necessary:
 - a. Respond to the minors' health needs relative to methamphetamine toxicity;
 - b. Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - c. Arrange for medical testing for methamphetamine toxicity; and
 - d. Arrange for any follow-up medical tests, examinations or healthcare made necessary as a result of methamphetamine toxicity.

OR

- 9 Will accept the Byrne funds for the period of July 1, 2004 to June 30, 2005 and comply with Federal, State and local environmental health and safety laws and regulations applicable to the **seizure and/or removal** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Grantee will provide medical screening of personnel assigned or to be assigned by the grantee to the seizure and/or removal of clandestine methamphetamine laboratories.
2. Grantee will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure and/or removal of clandestine methamphetamine laboratories.
3. Grantee will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment.
4. Grantee will send written notification to the property owner of record and the State Environmental Protection Agency and/or the local Health Department whenever a clandestine methamphetamine laboratory is seized.
5. Grantee will enter into a written agreement with the local Child Protective Services and/or Social Services Department to notify them whenever a minor is found at a clandestine methamphetamine laboratory site and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary;
 - a. Respond to the minor's health needs relative to methamphetamine toxicity.
 - b. Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations.
 - c. Arrange for medical testing for methamphetamine toxicity; and
 - d. Arrange for any follow-up medical tests, examinations or healthcare made necessary as a result of methamphetamine toxicity.
6. Grantee will assign properly trained personnel to prepare a Hazard Assessment and Recognition Plan (HARP) for the clandestine methamphetamine laboratory site.
7. Grantee or the State EPA will utilize qualified disposal personnel to remove the chemicals, associated glassware, equipment and contaminated materials and wastes from the clandestine methamphetamine laboratory site.
8. Grantee or the State EPA will dispose of the chemicals, associated glassware, equipment and contaminated materials and wastes at properly licensed disposal facilities, or when allowable, at properly licensed recycling facilities.
9. Grantee or the State EPA will monitor the records involving the transport, disposal and recycling components of sub-paragraphs numbered 7 and 8 immediately above in order to ensure proper compliance.